IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

WEB TELEPHONY, LLC., an Illinois corporation, Plaintiff, vs. Verizon Communications, Inc., a Delaware corporation, AT&T Corp., a New York corporation, AT&T Inc., a Delaware corporation, EarthLink, Inc., a Delaware corporation, SunRocket Corp., a Delaware corporation, Vonage Holdings Corp., a Delaware corporation, and Vonage America, Inc., a Delaware corporation, Defendants.	CASE NO. 2:07-CV-085-DF JURY DEMANDED

DEFENDANT SUNROCKET'S ANSWER TO
PLAINTIFF WEB TELEPHONY'S COMPLAINT

Defendant, SunRocket Corp. ("SunRocket"), submits this answer ("Answer") in response to the complaint ("Complaint") filed in this action by Plaintiff Web Telephony, LLC ("Web Telephony").

The numbered paragraphs below correspond to the numbered paragraphs of the Complaint.

ANSWER

Introduction

1. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 1 of the Complaint and therefore denies the same. SunRocket denies the remaining allegations contained in Paragraph 1 of the

Dockets.Justia.com

Complaint. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to the other defendants and therefore denies the same.

Jurisdiction and Venue

2. SunRocket admits that this is an action for patent infringement under the cited law of Paragraph 2 of the Complaint and that this Court generally has subject matter jurisdiction for this subject matter.

3. SunRocket admits that venue is proper but denies the remainder of the allegations contained in paragraph 3 of the Complaint.

Plaintiff Web Telephony

4. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint and therefore denies the same.

The Patents

5. SunRocket admits U.S. Patent No. 6,445,694 (the "'694 Patent") was issued by the U.S. Patent and Trademark Office on September 3, 2002. SunRocket admits that U.S. Patent No. 6,785,266 (the "'266 Patent") was issued by the U.S. Patent and Trademark Office on August 31, 2004. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 5 of the Complaint and therefore denies the same.

Defendants

Verizon

6. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint and therefore denies the same.

AT & T

7. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint and therefore denies the same.

8. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint and therefore denies the same.

Earthlink

9. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint and therefore denies the same.

SunRocket

10. SunRocket admits the allegations contained in paragraph 10 of the Complaint.

Vonage

11. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint and therefore denies the same.

12. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint and therefore denies the same.

Count 1 For Patent Infringement (‘694 Patent)

13. SunRocket repeats and realleges its responses to the allegations contained in paragraphs 1-12 in its response to paragraph 13 of the Complaint as if more fully set forth herein.

14. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint and therefore denies the same.

15. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Complaint and therefore denies the same.

16. SunRocket denies the allegations contained in paragraph 16 of the Complaint with respect to itself. SunRocket is without knowledge and information sufficient to form a belief as to the truth of the allegations as to the remaining defendants and therefore denies the same.

17. SunRocket denies the allegations contained in paragraph 17 of the Complaint with respect to itself. SunRocket is without knowledge and information sufficient to form a belief as to the truth of the allegations as to the remaining defendants and therefore denies the same.

18. SunRocket denies the allegations contained in paragraph 18 of the Complaint with respect to itself. SunRocket is without knowledge and information sufficient to form a belief as to the truth of the allegations as to the remaining defendants and therefore denies the same.

Count 2 For Patent Infringement (‘266 Patent)

19. SunRocket repeats and realleges its responses to the allegations contained in paragraphs 1-12 in its response to paragraph 19 of the Complaint as if more fully set forth herein.

20. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint and therefore denies the same.

21. SunRocket is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint and therefore denies the same.

22. SunRocket denies the allegations contained in paragraph 22 of the Complaint with respect to itself. SunRocket is without knowledge and information sufficient to form a belief as to the truth of the allegations as to the remaining defendants and therefore denies the same.

23. SunRocket denies the allegations contained in paragraph 23 of the Complaint with respect to itself. SunRocket is without knowledge and information sufficient to form a belief as to the truth of the allegations as to the remaining defendants and therefore denies the same.

24. SunRocket denies the allegations contained in paragraph 24 of the Complaint with respect to itself. SunRocket is without knowledge and information sufficient to form a belief as to the truth of the allegations as to the remaining defendants and therefore denies the same.

25. Web Telephony’s jury demand is not an allegation under FED. R. CIV. P. 8(a) that requires a response.

JURY DEMAND

In accordance with FED. R. CIV. P. 38(b), SunRocket hereby demands trial by jury on all triable issues.

WHEREFORE, SunRocket demands that plaintiff Web Telephony takes nothing by its Complaint and that SunRocket be awarded its attorneys' fees and costs and any other relief deemed just by the Court.

Dated: May 9, 2007

Respectfully submitted,

GREENBERG TRAURIG, LLP

/s/ Christopher M. Joe
Christopher M. Joe, Esq.
Lead Counsel
Texas Bar No. 00787770
joec@gtlaw.com
2200 Ross Avenue, Suite 5200
Dallas, Texas 75201
Telephone: (214) 665-3604
Facsimile: (214) 665-5904

Of Counsel:

Mark L. Hogge
Shailendra Maheshwari
Katie A. Jefcoat
(pro hac vice motions forthcoming)
Greenberg Traurig, LLP
800 Connecticut Ave, NW
Washington, DC 20006
Telephone: (202) 331-3100
Facsimile: (202) 331-3101

ATTORNEYS FOR DEFENDANT SUNROCKET CORP.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by electronic service in compliance with the Local Rule CV-5 to all counsel of record on this the 9th day of May 2007.

/s/ Christopher M. Joe
Christopher M. Joe

DAL 76188416v2